

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER LOI=1
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 09/980557
INTERNATIONAL APPLICATION NO. PCT/IT99/00160	INTERNATIONAL FILING DATE 04 June 1999	PRIORITY CLAIMED
TITLE OF INVENTION PROCESS FOR RECONSTRUCTING A NON-HUMAN ANIMAL EMBRYO BY NUCLEAR...		
APPLICANT(S) FOR DO/EO/US Pasqualino LOI et al.		
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"> <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1). <input checked="" type="checkbox"/> The US has been elected in a Demand by the expiration of 19 months from the priority date (PCT Article 31). <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> <input type="checkbox"/> is attached hereto (required only if not transmitted by the International Bureau). <input checked="" type="checkbox"/> has been communicated by the International Bureau. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau). <input type="checkbox"/> have been communicated by the International Bureau. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. <input checked="" type="checkbox"/> have not been made and will not be made. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). <p>Items 11. to 16. below concern document(s) or information included:</p> <ol style="list-style-type: none"> <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. <input type="checkbox"/> An Assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. <input checked="" type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. <input type="checkbox"/> A substitute specification. <input type="checkbox"/> A change of power of attorney and/or address letter. <input checked="" type="checkbox"/> Other items or information: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Courtesy copy of the International Application as filed. <input checked="" type="checkbox"/> Courtesy copy of the first page of the International Publication (WO 00/74477). <input checked="" type="checkbox"/> Courtesy copy of the International Preliminary Examination Report with annexes containing claims 1-37 to be substituted for original claims 1-48 for examination in this case. <input checked="" type="checkbox"/> Courtesy Copy of the International Search Report. <input checked="" type="checkbox"/> Application Data Sheet <p><input checked="" type="checkbox"/> The application is (or will be) assigned to: ISTITUTO ZOOTEKNICO E CASEARIO PER LA SARDEGNA, whose address is Frazione Tottubella, I-07040 Olmedo, Italy.</p>		

BASIC NATIONAL FEE (37 CFR 1.492 (a)(1) –(5):
Neither international preliminary examination fee (37 CFR 1.482)
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO
and International Search Report not prepared by the EPO or JPO.....**\$1040.00**

International preliminary examination fee (37 CFR 1.482) not paid to
USPTO but International Search Report prepared by the EPO or JPO.....**\$890.00**

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but
international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....\$740.00

International preliminary examination fee paid to USPTO (37 CFR 1.482)
but all claims did not satisfy provisions of PCT Article 33(1)-(4).....**\$710.00**

International preliminary examination fee paid to USPTO (37 CFR 1.482)
and all claims satisfied provisions of PCT Article 33(1)-(4).....**\$100.00**

ENTER APPROPRIATE BASIC FEE AMOUNT =

Surcharge of **\$130.00** for furnishing the oath or declaration later than [] 20 [] 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

Claims as Originally Presented	Number Filed	Number Extra	Rate	
Total Claims	37 - 20	17	X \$18.00	\$ 306.00
Independent Claims	1 - 3		X \$84.00	\$
Multiple Dependent Claims (if applicable)			+ \$280.00	\$
TOTAL OF ABOVE CALCULATIONS =				\$1,196.00

TOTAL OF ABOVE CALCULATIONS =

Claims After Post Filing Prel. Amend	Number Filed	Number Extra	Rate	
Total Claims	38 - 37	1	X \$18.00	\$ 18.00
Independent Claims	1 - 3		X \$84.00	\$

TOTAL OF ABOVE CALCULATIONS =

Reduction of ½ for filing by small entity, if applicable. Applicant claims small entity status. See 37 CFR 1.27.	\$ 607.00
--	-----------

SUBTOTAL =	\$ 607.00
-------------------	-----------

Processing fee of **\$130.00** for furnishing the English translation later than [] 20 [] 30 months from the earliest claimed priority date (37 CFR 1.492(f)). \$

TOTAL NATIONAL FEE =	\$ 607.00
-----------------------------	------------------

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +	\$
---	----

TOTAL FEES ENCLOSED =	\$ 670.00
------------------------------	-----------

	Amount to be: refunded	\$
	charged	\$

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☒ Credit Card Payment Form (PTO-2038), authorizing payment in the amount of \$ 607.00, is attached.
- c. ☐ Please charge my Deposit Account No. **02-4035** in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- d. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **02-4035**. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.


SEND ALL CORRESPONDENCE TO:

BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, N.W., SUITE 300
WASHINGTON, D.C. 20001

TEL: (202) 628-5197

FAX: (202) 737-3528

Date of this submission: **December 4, 2001**


 SIGNATURE
 Roger L. Browdy
 NAME
 25.618
 REGISTRATION NUMBER

09/980557

JG10 Rec'd PCT/PTO 0 4 DEC 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Art Unit:
Pasqualino LOI et al.)	
)	
IA No.: PCT/IT99/00160)	
)	Washington, D.C.
IA Filed: June 4, 1999)	
)	
U.S. App. No.:)	
(Not Yet Assigned))	
)	December 4, 2001
National Filing Date:)	
(Not Yet Received))	
)	
For: PROCESS FOR...)	Docket No.: LOI=1

PRELIMINARY AMENDMENT

Honorable Commissioner for Patents and Trademarks
Washington, D.C. 20231

Sir:

Contemporaneous with the filing of this case and prior to calculation of the filing fee, kindly amend as follows:

IN THE CLAIMS

Please amend claims 7-13, 18-26, 28 and 30-36 as follows:

7. (Amended) The process according to claim 1, wherein said chromatin is organised in chromosomes.

8. (Amended) The process according to claim 1, wherein the donor cell is collected from a single individual.

9. (Amended) The process according to claim 1, wherein said donor cell is selected from the group consisting of embryonic cell, foetal cell, somatic cell.

10. (Amended) The process according to claim 1, wherein said donor cell is a cultured cell.

11. (Amended) The process according to claim 1, wherein said donor cell is a granulosa cell.

12. (Amended) The process according to claim 1, wherein said donor cell is a dead cell.

13. (Amended) The process according to claim 1, wherein said chromatin is subjected to at least one genetical modification.

18. (Amended) The process according to claim 1, wherein said donor cell is in G1 or G0 phase.

19. (Amended) The process according to claim 1, wherein said donor cell is a cell in M phase.

20. (Amended) The process according to claim 1, wherein said denaturing treatment is carried out on the nucleo-protein assembly.

21. (Amended) The process according to claim 1, wherein said denaturing treatment is carried out on the nucleus inside the donor cells.

22. (Amended) The process according to claim 1, wherein said denaturing treatment is carried out on the nucleus outside the donor cell.

23. (Amended) The process according to claim 1, wherein said oocyte is matured *in vitro*.

24. (Amended) The process according to claim 1, wherein the nuclear transfer is carried out by injection.

25. (Amended) The process according to claim 1, wherein said animal embryo belongs to a species selected from the group consisting of mouse, rat, rabbit, guinea pig and fur species.

26. (Amended) The process according to claim 1, wherein said non-human mammalian species is an ungulate species.

28. (Amended) A process for generating an animal, comprising the following operations: a. culturing an animal embryo reconstructed according to claim 1 to obtain blastocysts; b. transferring the blastocysts into a suitable recipient animal; c. causing said animal embryo to develop to term and further breeding the resulting animal.

30. (Amended) The process according to claim 28, wherein the embryo of the operation a. is a genetically modified embryo.

31. (Amended) The process according to claim 28, wherein the embryo of the operation a. is genetically modified prior to the development to term.

32. (Amended) The process according to claim 28, wherein the operation a. is carried out *in vitro*.

33. (Amended) The process according to claim 28, wherein the operation a. is carried out *in vivo*.

34. (Amended) A reconstructed animal embryo, resulting from the process according to claim 1.

35. (Amended) An animal resulting from the process according to claim 28.

36. (Amended) A transgenic animal resulting from the process according to claim 30.

REMARKS

The above amendments to the claims are being made in order to eliminate any properly multiply dependent claims, for the purpose of reducing the filing fee. Please enter this amendment prior to calculation of the filing fee in this case.

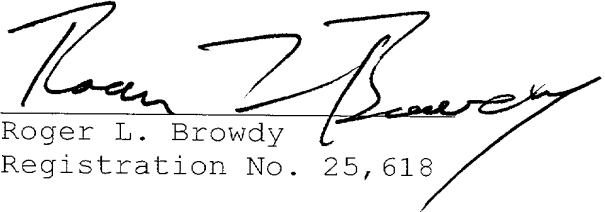
Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with Markings to Show Changes Made."

In re of: Pasqualino LOI et al. (LOI=1)

Favorable consideration is earnestly solicited.

Respectfully submitted,
BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By:


Roger L. Browdy
Registration No. 25,618

RLB:wrđ

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528

F:\,S\socf\Loil\PTO\Preliminary Amendment.doc

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claims 7-13, 18-26, 28 and 30-36 have been amended as follows:

7. (Amended) The process according to claim ~~1 to 6~~, wherein said chromatin is organised in chromosomes.

8. (Amended) The process according to claim ~~1 to 7~~, wherein the donor cell is collected from a single individual.

9. (Amended) The process according to ~~anyone of claims 1 to 8~~ claim 1, wherein said donor cell is selected from the group consisting of embryonic cell, foetal cell, somatic cell.

10. (Amended) The process according to ~~anyone of claims 1 to 9~~ claim 1, wherein said donor cell is a cultured cell.

11. (Amended) The process according to ~~anyone of claims 1 to 10~~ claim 1, wherein said donor cell is a granulosa cell.

12. (Amended) The process according to ~~anyone of claims 1 to 11~~ claim 1, wherein said donor cells is a dead cell.

13. (Amended) The process according to ~~anyone of claims 1 to 12~~ claim 1, wherein said chromatin is subjected to at least one genetical modification.

09/980557 104021

18. (Amended) The process according to anyone of ~~claims 1 to 17~~ claim 1, wherein said donor cell is in G1 or G0 phase.

19. (Amended) The process according to anyone of ~~claims 1 to 18~~ claim 1, wherein said donor cell is a cell in M phase.

20. (Amended) The process according to anyone of ~~claims 1 to 19~~ claim 1, wherein said denaturing treatment is carried out on the nucleo-protein assembly.

21. (Amended) The process according to anyone of ~~claims 1 to 20~~ claim 1, wherein said denaturing treatment is carried out on the nucleus inside the donor cells.

22. (Amended) The process according to anyone of ~~claims 1 to 21~~ claim 1, wherein said denaturing treatment is carried out on the nucleus outside the donor cell.

23. (Amended) The process according to anyone of ~~claims 1 to 22~~ claim 1, wherein said oocyte is matured in vitro.

24. (Amended) The process according to anyone of ~~claims 1 to 23~~ claim 1, wherein the nuclear transfer is carried out by injection.

25. (Amended) The process according to ~~claim 1 to~~ 24, wherein said animal embryo belongs to a species selected from the group consisting of mouse, rat, rabbit, guinea pig and fur species.

1.04921 6508650

26. (Amended) The process according to claim 1 to 24, wherein said non-human mammalian species is an ungulate species.

28. (Amended) A process for generating an animal, comprising the following operations: a. culturing an animal embryo reconstructed according to ~~anyone of claims 1 to 27~~ claim 1 to obtain blastocysts; b. transferring the blastocysts into a suitable recipient animal; c. causing said animal embryo to develop to term and further breeding the resulting animal.

30. (Amended) The process according to ~~anyone of claims 28 and 29~~ claim 28, wherein the embryo of the operation a. is a genetically modified embryo ~~resulting from the process according to anyone of claims 13 to 17.~~

31. (Amended) The process according to ~~anyone of claims 28 to 30~~ claim 28, wherein the embryo of the operation a. is genetically modified prior to the development to term.

32. (Amended) The process according to ~~anyone of claims 28 to 31~~ claim 28, wherein the operation a. is carried out *in vitro*.

33. (Amended) The process according to ~~anyone of claims 28 to 31~~ claim 28, wherein the operation a. is carried out *in vivo*.

0090557 13040
"0402" 5508660

34. (Amended) A reconstructed animal embryo,
resulting from the process according to ~~anyone of claims 1~~
~~to 27~~claim 1.

35. (Amended) An animal resulting from the process
according to ~~anyone of claims from 28 to 33~~claim 28.

36. (Amended) A transgenic animal resulting from the
process according to ~~claims 30 or 31~~claim 30.

0090557 1040
"FOOT" 250860

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Art Unit:
Pasqualino LOI et al.)	
)	
IA No.: PCT/IT99/00160)	
)	Washington, D.C.
IA Filed: June 4, 1999)	
)	
U.S. App. No.:)	
(Not Yet Assigned))	
)	December 4, 2001
National Filing Date:)	
(Not Yet Received))	
)	
For: PROCESS FOR...)	Docket No.: LOI=1

SUPPLEMENTAL PRELIMINARY AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

Prior to examination upon the merits, kindly amend as follows:

IN THE SPECIFICATION

After the title please insert the following paragraph:

--REFERENCE TO RELATED APPLICATIONS

The present application is the national stage under 35 U.S.C. 371 of international application PCT/IT99/00160, filed June 4, 1999 which designated the United States, and which international application was published under PCT Article 21(2) in the English language.--

IN THE CLAIMS

Please amend claim 37 as follows:

37. (Amended) A transgenic animal according to claim 36, wherein said animal is selected from the group consisting of laboratory animals and ungulates.

Please add the following new claim 38.

38. (New) A transgenic animal resulting from the process according to claim 31.

REMARKS

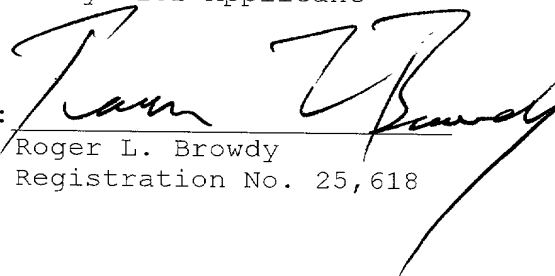
Claims 1-38 presently appear in this case. The above amendment to the specification is being made to insert reference to the PCT application of which the present case is a U.S. national stage. The above amendments to the claims are made in order to place this case in better condition for examination.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with Markings to Show Changes Made."

Favorable consideration is earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By: 
Roger L. Browdy
Registration No. 25,618

RLB:wrđ
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528

VERSION WITH MARKINGS TO SHOW CHANGES MADE

A paragraph has been added immediately after the title.

Claim 37 has been amended as follows:

37. (Amended) A transgenic animal according to claim 36, wherein said animal is selected from the group ~~comprising~~ consisting of laboratory animals ~~as claimed in claim 25 and ungulates as claimed in claim 27.~~

A new claim 38 has been added to this case.

0903057 42040
"FOOT" 7508660

PROCESS FOR RECONSTRUCTING A NON-HUMAN ANIMAL EMBRYO BY NUCLEAR
TRANSFER AND PREPARING THE ANIMAL THEREFROM, AND EMBRYOS AND ANIMALS
OBTAINED THEREBY
DESCRIPTION

5 FIELD OF THE INVENTION

The present invention relates to the field of the generation of animals, carried out by the reconstruction of the relevant animal embryos by nuclear transfer, including but being not limited to the generation of genetically selected and genetically modified animals.

10 BACKGROUND OF THE INVENTION

1. Introduction

Cloning by nuclear transfer is a classical example of how experimental models designed for basic research have been subsequently adopted by applied research.

15 In fact, the transfer of a differentiated cell into enucleated oocytes was suggested first by Spemann (Spemann H., Embryonic Development and Induction. Hafner Publishing Company, New York, 1938: 210-211) to see whether the totipotentiality of a nucleus from a differentiated cell became restricted during development. A large
20 number of papers stemmed from that suggestion and culminated with the work of Briggs and King (Briggs and King, PNAS 1952, 38: 455-461) where nuclei taken from the intestinal epithelium transferred into enucleated Xenopus eggs developed into viable genetically identical animals, in the proper word, a clone.

25 Technical limitations restricted nuclear transfer to the Amphibia for 30 years before a seminal paper by McGrath and Solter (McGrath and Solter, Science 1983, 220: 1300-1302) initiated the modern development in mammalian cloning. This new era in nuclear transplantation was given further impetus by its use for cloning
30 embryos from domestic species when nuclei of blastomeres taken from 16 cell stage sheep embryos were competent to support full development till normal lambs after transfer into enucleated oocytes (Willadsen S., Nature 1986, 320: 63-65). Since this article was published, many embryologists started to focus on nuclear transfer
35 and several private companies set out for the commercial application of embryo cloning in the cattle industry.

2. Description of the procedure for nuclear transfer

09/980557 JC10 Rec'd PCT/PTO 0 4 DEC 2001

As a result of the efforts made in these years, the following procedure for reconstructing an animal embryo by nuclear transfer has been developed.

a. Individuation of a recipient cell

5 Metaphase II oocytes are commonly used as a recipient cytoplasm for nuclear transfer, especially when the procedure is carried out on ungulates. However also fertilised one cell zygotes which had had both pronuclei removed can be used in principle as well.

10 When the former procedure is adopted, the oocytes, which can be matured *in vitro* or *in vivo* and are usually collected after the appearance of the first polar body, are kept in hepes buffered medium containing Cytochalasin B, an inhibitor of microfilaments that confers the oolemma the plasticity necessary for the further manipulation exposed hereinafter.

b. Enucleation of the recipient cell

The oocytes so individuated are in fact usually enucleated prior to the transfer of the nucleus from the donor cell.

20 In the majority of economically important animals, the oocytes ovulates in the metaphase of the second meiotic division with the 2n chromatids arranged in a metaphase spindle underneath the first polar body. The high content of lipids renders the sheep cytoplasm quite dark thus making impossible, in contrast to other species like mouse and rabbit, the localisation of the chromosomes.

25 For that reason, the enucleation was originally carried out with a bevelled pipette by aspirating blindly a portion of cytoplasm underneath the first polar body. Because quite often the metaphase spindle migrates under the oocyte cortex, specially in aged oocytes, enucleation was successful only in 70-75% of the cases. The introduction of the vital dye Hoechst 33342, which binds reversibly to DNA (Tsunoda et al., J Reprod Fertil 1988, 82: 173-177) allows the precise localisation of the chromosomes after UV exposure and is widely used in nuclear transfer.

c. Identification of a donor cell

35 Fully or partially differentiated cell or also an undifferentiated cell can be used as a donor cell (the so called "karyoplast": blastomeres from an early embryo or somatic cells).

0598055 "120401
104031 258660

Such a donor cell can be both cultivated *in vitro* and abstracted *ex vivo*, provided that it has however a normal content of DNA and is karyotypically normal. More preferably are used cells in G0 or G1 phase as in fact, it is the only cell cycle stage that guarantees a correct ploidy after embryo reconstruction (Campbell et al., Rev of Reprod 1996, 1: 40-46). No development of embryo has ever been obtained using as a donor cell non-living cells.

d. Possible genetic modification of the chromatin of the donor cell

The nucleus of the donor cell can be genetically modified prior to the transfer in the recipient cell, in order to obtain transgenic animals. The term "transgenic" cover not only the animal containing at least one gene from another species in their somatic and germ line, but any animal whose germ line is subjected to technical intervention by recombinant DNA technology.

e. Nucleus transfer from the donor cell to the recipient cell

The nucleus of such a donor cell is therefore transferred in the recipient cell. Such a transfer can be carried out by two different procedures: i) cell fusion and ii) nuclear injection. According to the former procedure, which is the most commonly adopted for nuclei of big dimension, the donor cell as a whole is then inserted by the same enucleation pipette used for the enucleation of the recipient cell in the relevant perivitelline space. The reconstructed embryo is then placed in a fusion chamber between two platinum wires whose gap is filled with fusion medium (0.3 M mannitol with 0.050 mM CaCl_2 and 0.100 mM MgSO_4). Cell fusion is induced by one or more electrical pulses of direct current applied perpendicularly to the two fusion partners. The frequency of fusion is proportionally related to the area of contact between cytoplasm and karyoplast and it is usually high in the case of blastomeres, but it becomes sensibly lower in the case of small foetal or somatic cells. The electric pulse opens temporary pores in the adjacent membranes and the cytoplasmic communication established between karyoplast and cytoplasm starts the fusion process which is usually completed within one hour; meanwhile, an influx of extracellular calcium ions induces the activation of the oocyte (Sun et al., Development 1991, 115: 947-956).

According to the procedure reported on point ii) above, the nuclear transfer is carried out by microinjection of the donor nuclei with a process which is getting more used when small cells have to be transferred. The final outline of the process is however the same as the transfer carried out by cell fusion with minimal modification (Collas P and Barnes FL., Mol Reprod Dev 1994, 38: 264-267; Wakayama et al., Nature 1998, 394: 374).

f. Transfer of the embryo in a recipient animal

The successfully fused couplets or microinjected oocytes are embedded in agar chips and transferred into the oviduct of a temporary recipient animal. The embedding is a necessary procedure that protects the embryos from immuno-competent cells present in the oviductal lumen.

After seven days the oviducts are flushed back and those embryos that developed to blastocysts or morulae are dissected out from the agar and transferred to synchronous recipients for development to term.

3. Technical problem

Despite the efforts done by many laboratories, the efficiency of cloning in terms of offspring production has been invariably low and unpredictable (Bondioli et al., Theriogenology 1994, 33: 165-174) for several years.

This low efficiency was primarily due to the empirical approach used for nuclear transfer.

As a consequence of the studies made in the last years some of the technical limitations, which such a low efficiency was due to, were evidenced.

In particular basic studies undertaken in the last five years on the understanding of nuclear cytoplasmatic interaction in reconstructed embryos clarified how at least one of the reasons for the poor development of cloned embryos is the cell-cycle combination, indicating also the ideal combination for reconstructing embryos by nuclear transfer (Collas et al., Biol Reprod 1992, 46:492-500; Barnes et al., Mol Reprod Dev 1993, 36: 33-41; Campbell et al., Biol Reprod 1994, 50: 1385-1393; reviewed by Campbell et al., Rev of Reprod 1996, 1: 40-46).

Another, insurmountable, limit of embryo cloning was

5 In this connection the ideal cells for this purpose were firstly identified in the embryonic stem cell (ES), which however, unfortunately, have not been isolated from embryos of large animals (Galli et al., Zygote 1994, 2: 385-389).

10

20

25

30

Reprogramming of the nucleus of the donor cell

35

the oocyte immediately after transfer. What it is still not clear is the mechanism that regulates this reprogramming which is in fact due to unknown factors present in the cytoplasm.

5 Following transplantation into oocytes, somatic nuclei lose in fact part (or all in the case of Dolly: see Campbell et al., Nature 1996, 380: 64-66) the structural components of the chromosomes that maintain their differentiated state and gain the capacity to execute the regulated expression of genes through embryonic and fetal development (Patterson and Wolffe, Dev Biol 1996, 173: 2-13).

10 Basically, the differentiation process which starts concomitantly with the activation of the embryonic genome (it does occur in sheep at the 5th cell cycle, 8-16 cell transition) is completely reversed after nuclear transfer, and the transferred nucleus behaves like a zygote.

15 Somatic nuclei transplanted into mature eggs are therefore remodelled and this morphological change is associated with the re-acquisition of pluripotency, and in some cases, totipotency (Gurdon I., J Embryol Exp Morphol 1962, 10: 622-640).

20 The molecular machinery responsible of such a remodelling (and therefore reprogramming) of the genome (diploid, somatic or whatever genome) transferred into the oocyte is not yet fully clarified. However as of course no specific and efficient molecular mechanism for this purpose could have been developed in the oocyte during the evolution for a differentiated cell nucleus inserted in the oocyte
25 itself, such a mechanism is deemed to be the same which operates on the aploid spermatozoo genome at the time of activation.

Following fertilisation, the sperm nucleus is in fact rapidly remodelled by the egg cytoplasm to assemble the paternal pronucleus. The assembly of the pronucleus requires the molecular chaperone
30 nucleoplasmin (Philpott et al., Cell 1991, 65: 569-578). Nucleoplasmin specifically removes the basic, sperm specific proteins and on the same time deposits histones H2A.X and H2.B onto chromatin (Philpott and Leno, Cell 1992, 69: 759-767). The resulting specialised chromosomal conformation found in the pronucleus is also
35 maintained in nuclei of cleavage stage embryos (Dimitrov et al., J Cell Biol 1994, 126: 591-601).

Similarly, there is experimental evidence that nucleoplasmin

09980557 120404
T0402T 2508660

plays also a major role in the remodelling of somatic nuclei strictly linked to the acquisition of totipotency of somatic nuclei, which requires the release of chromatin components and the uptake of structural and regulatory proteins from the cytoplasm (Philpott et al., Cell 1991 65: 569-578; Wangh et al., J Cell Science 1995, 108: 2187-2196).

In particular it has been observed that the specific dissociation of somatic linker histones H1 and H1° associated with the incorporation of oocyte-specific linker histone B4 into the remodelled chromatin mediated by nucleoplasmin, increases the transcriptional competence, and thus the totipotency of somatic nuclei (Dimitrov and Wolffe, the EMBO Journal 1996, 15: 5897-5906).

While however the nucleosomal transition during remodelling have been described in detail (for review see Patterson and Wolffe, Dev Biol 1996, 173: 2-13), the regulation of long-range chromatin structure during development is far less clear. There is increasing evidence that high order chromatin structures play a role in the acquisition and maintenance of the committed status of the cells. In particular, it has been shown that the protein of the SMC (Segregation of Mitotic Chromosome) and chromodomain families are important for transcriptional control (Chang et al., Cell 1994, 79: 459-474; for review see: Patterson and Wolffe, Dev Biol 1996, 173: 2-13).

From the above consideration it was suggested that changes in the chromatin structures can facilitate the reprogramming of the transferred nucleus upon the relevant transfer (Wilmuth I. et al., Nature 1997, vol. 385, pag. 810-813; Campbell et al., 1996), and that more accessible is the chromatin to cytoplasmatic remodelling factors, better chances the nucleus has to be completely reprogrammed upon nuclear transfer.

In particular it was suggested that the reduced transcriptional activity of quiescent cells may be beneficial for reprogramming (Campbell et al., 1996), although no direct comparison has been done with nuclei in different stage of the cell cycle.

Also, the displacement of sequence-specific transcription factors from mitotic chromatin (Martinez-Balbas et al., Cell 1995, 83: 229-238) positively influences the remodelling of mitotic cells

into metaphase cytoplasm (Fulka et al., BioEssay 1996, 18: 835-840) and consequently induces a better reprogramming as indicated in mice experiment (Kwon and Kono PNAS 1996, 93: 13010-13013).

Such a displacement is a "physiological" consequence of the
5 reduced metabolic activity in starved G0 cells (Campbell et al.,
Nature, 1996), and a consequence of a prolonged chromosome
condensation in the method suggested by Wakayama (Wakayama et al.,
1998). In both cases, the displacement or the termination of
transcriptional activity falls into the normal activity of the cell
10 and it is not "per se" responsible for genome reprogramming as
clearly indicated by the fact that the phenotype of the cell is
stably maintained after both cell cycle stages. However, despite the
use of a highly defined synchronous population of G0 nuclei donors,
or the uniform, prolonged exposure of the transferred nuclei into
15 the cytoplasmic environment, less than 2% of nuclei are fully
reprogrammed and develop into viable young upon nuclear transfer.
Considering that the oocyte cytoplasm would normally encounter a
transcriptionally inactive sperm nucleus rather than a fully
differentiated nucleus, the low efficiency resulting from the above
20 procedures is unsurprising. No alternative procedures have been
suggested so far and foremost more invasive procedures that may lead
to the loss of cell viability for two reasons: firstly, nuclear
transfer is still accomplished by electro-mediated cell transfer,
this method working only with living cells, secondly, a no-living
25 cell is commonly believed to not be a good candidate for nuclear
transfer.

In spite of the fact that numerous studies have indicated that
high temperatures denature proteins and nucleic acids with a melting
transition occurring when the temperature exceeds 55°C (Pain RH.,
30 Symp Soc Exp Biol 1987, 41: 21-33), and that the denatured state of
proteins is the primary target for degradative enzymes (McLendon and
Radany, J Biol Chem 1978, 253: 6335-6337)- and therefore in the
specific case also for the specific proteasome activity present in
mature oocytes (Saro CK and Hoschi M, J Biochem 1997, 122: 286-293)-
35 the elimination of such factors by the denaturation and subsequent
degradation by degradative enzymes, was not considered in art.

In this connection, however it shall be kept into account the

proved existence of a real epigenetic "cell memory" which is necessary for maintaining a stable pattern of gene expression in dividing cells, and allows the cellular phenotypes of differentiated cells to be stably propagated through cell division.

5 DNA methylation and the propagation of specific chromatin structures are in particular suggested as good candidates for the maintenance of the cell memory (Patterson and Wolffe, Dev. Biol 1996, 173: 2-13). Alternatively or concomitantly, some factors might remain bound to mitotic chromosomes acting as bookmark for those
10 genes that must be re-expressed.

The same consideration can be drawn for quiescent G0 cells. These cells are still metabolically active, although at reduced levels, and no longer proliferated unless called to do so by appropriated extracellular signals. Of course, the phenotype of
15 quiescent cells does not change after re-activation indicating that a stable pattern of gene expression is maintained by specific chromatin structures during G0 too.

Accordingly both mitotic and quiescent cells retain the epigenetic cell memory that maintains the differentiated status. The
20 essential condition for a full reprogramming of a somatic cell is therefore its complete remodelling which involves a transition in chromosomal structures and composition associated with the acquisition to carry out the rapid cleavage cycle of early development and to execute the regulated expression of genes through
25 embryonic and fetal development till the birth of a normal, viable animal.

Two distinct approach have been suggested for the induction of full reprogramming of somatic nuclei. The first, postulated by Campbell and co-workers (Campbell et al., Nature 1996, 380: 64-66)
30 says that nuclear quiescence induced by serum deprivation is the fundamental condition for nuclear reprogramming; the second one, claimed by Wakayama (Wakayama et al., Nature 1998, 394: 369-374), but also anticipated by Campbell (Campbell et al., Nature 1996, 380: 64-66), says that a prolonged exposition of the nuclei into the
35 cytoplasm environment increases the chances for nuclear reprogramming.

However, the importance of nuclear quiescence for somatic

005055 120401

nuclear transfer is still controversial. In fact, in the first report on the use of G0 cells as nuclear donors (Campbell et al., Nature 1996, 380: 64-66) no comparison is done with cells in other stages of the cell cycle. The situation did not change in the following report (Wilmut et al., Nature 1997, 385: 810-813) where quiescent cells from three different cell lines, embryo, fetal and adult derived cells have been used as nuclei donors.

Moreover, actively proliferating fetal fibroblast cells have been shown to direct normal embryonic and fetal development in the cow (Cibelli et al., Science 1998. 280: 1256-1258) and no differences in blastocysts production were found between proliferating and quiescent somatic and fetal bovine cells in a recent comparative study (Le Bourhis D et al., Cleavage et Insemination 1998, Octobre, n 287, 3-9).

So the question is: why, although nearly all the cells used for nuclei transfer are in G0, only a small proportion, 2%, develop into viable offspring? What helps those cell to gain a full totipotency after nuclear transfer?

4.SUMMARY OF THE INVENTION

It is an object of the present invention to provide a process comprising the denaturation of the nucleosomes and chromatin of the donor nuclei before nuclear transfer. This denaturation facilitates a more complete reprogramming of differentiated somatic, embryonic or fetal derived cells prior to nuclear transfer.

In particular such denaturation can be carried out by heat-treating of the chromatin of the donor cell, which results in the thermal denaturation of nucleosomes as well as long-range chromatin structures, and in favouring the complete remodelling of donor nuclei prior to nuclear transfer.

In particular the denaturation by thermal treatment affects the structural proteins involved in the maintenance of the differentiate state.

In the present study we estimated the efficiency of nuclear transfer using thermally destabilised donor cells from adult ewes. The rationale was that the heat treatment would produce chromatin more amenable for reprogramming as a result of the denaturation of DNA regulating proteins. Given that denatured proteins are more

readily degraded by proteolytic enzymes (Parsell and Sauer, J. Biol. Chem. 1989, 264; 7590-7595), it was reasoned that the oocyte proteolytic machinery (Tokumoto T. International review of cytology, 1999, 186; 261-294) may more readily process nucleosomal and chromatin protein complexes following thermal denaturation. It was considered that the resulting DNA might then be more accessible to programming factors present in the ooplasm.

The scientific explanation of the success of the process according to the present invention, which however do not bind the relevant scope, is that while the oocyte owns the molecular machinery for remodelling somatic chromatin at nucleosomal level, the oocyte itself does not have the specific pathways for remodeling long-range chromatin structures present in G0 or condensed chromatin. Presumably, the full reprogramming of somatic nuclei is accidentally induced by non-specific remodelling activity of nucleoplasmin and/or alternatively, may be that the small proportion of successfully reprogrammed cells are degenerating or early apoptic cells, in other words, they may have lost a tight control of gene expression.

The present invention can be used for basic research and also applied to all mammalian species excluding human beings, in particular to economically important ungulates: cattle, sheep, goats, pigs, water buffalo, horses and also laboratory animals: mice, rabbits, guinea pigs or fur animals. The invention is applicable for the production of high genetic merit animals, endangered species and transgenic animals. It should be noted that for "transgenic" animal it is not intended only an animal carrying in his genome one or more genes from other species, but also animals whose genome has been modified somehow by recombinant DNA technology.

In the case the present method is applied for the production of a transgenic animal, the donor nucleus may be genetically modified to contain one or more transgenes before its use for nuclear transfer. The donor nuclei may be genetically modified by the different procedures now available: transfection, electroporation, viral transfection, lipofection and gold microprojectile bombardment.

There are several applications of the present invention both for basic and for applied research. The knowledge of the thermal stability of the different families of DNA regulatory proteins, associated with the method of nuclear transfer here proposed, may provide unique insights on the mechanism of genome reprogramming. For the first time, it has been proved that no-living cells can be efficiently reprogrammed upon transfer into enucleated oocytes. This fact certainly has several practical applications, one of which may be the possibility to create genetic banks at low cost for the preservation of rare and endangered species. Most of engendered species are living in Africa where environmental conditions render un-practical the use of liquid nitrogen (-196°C) for cell storage as indicated by FAO experts in occasion of the workshop "The implication of development in biotechnology for the conservation of animal genetic resources at risk: reversible DNA quiescence and cloning". A report of the workshop is available at FAO homepage <http://www.fao.org/>. The fact that no-living cells can develop into embryos and fetus following nuclear transfer opens for the first time the possibility to store cells in cheaper systems like in a freeze-dried status. This would have a dramatic impact for the creation of genetic banks for endangered species. Being cell viability not longer the absolute requisite for cloning, it will be possible to increase dramatically the extent of genetic manipulation before nuclear transfer. It might be possible to produce an individual simply by assembly single chromosomes from different inter-intra-specific individual provided that a functional centriole is injected together with the chromosomes.

As a consequence of what set forth above and below the object of the present invention is a process for reconstructing an animal embryo, comprising the following operations:

- identification of the chromatin which will constitute the chromatin of the animal embryo, said chromatin being selected from at least one donor cell;
- denaturation of said chromatin;
- transfer of the denaturated chromatin into a recipient cell.

The chromatin can be organized in chromosomes, which can be selected from more than one donor cell.

Specific embodiments are the cases wherein the donor cell is collected from a single individual or from different individuals, which can belong to a single species or to different species. The donor cell can be cultured or extracted *ex vivo*, preferably in G1 or G0 phase but also in M phase, provided that the ploidy is corrected after nuclear transfer; the donor cell can be further freeze-dried or dead, and can be in particular an embryonic cell, a foetal cell, a somatic cell or a granulosa cell.

In another embodiment of the invention the chromatin is subjected to at least a genetical modification, which can consist in the insertion of at least an etherologous DNA sequence, the deletion of at least one homologous gene, the modification of at least one homologous gene, and the duplication of at least one homologous gene.

The denaturation of the chromatin can in particular be carried out directly on the nucleo-protein assembly, on the nucleus inside or outside the donor cells, by selecting a combination of temperature, pH, ionic strenght and other chromatin-destabilizing agents, or by heat-treating. In the last case the temperature can be the melting temperature of the transcriptional regulatory proteins, and in particular a range from 45°C to 95 °C, wherein the preferred embodiments are 55° C and 75°C.

The recipient cell is usually an oocyte, in metaphase II matured *in vitro*, which is enucleated prior to the transfer of the nucleus of the donor cell, and the nuclear transfer is preferably carried out by injection.

The resulting animal embryo belongs to a non-human mammalian species in particular can be a mouse, a rat, a rabbit, a guinea pig, a fur, or an ungulate species like cattle, sheep, goat, pig, water buffalo and horse.

A further object of the present invention is a process for preparing an animal, comprising the following operations:

a. reconstructing an animal embryo according to anyone of claims 1 to 37;

b. culture of the reconstructed embryo;

c. transfer of the blastocysts into a suitable recipient animal;

d. causing said animal embryo to develop to term, after transfer into a suitable recipient animal.

Such a process can further comprise the operation of the breeding from the resulting animal.

5 In a particular embodiment, the embryo of the operation a. is subcloned for obtaining more than one animal developing to term, and is a genetically modified embryo resulting from the process described above. The embryo can be also genetically modified before the operation a. prior to the development to term, and the operation
10 c. can be carried out *in vitro* or *in vivo* by transferring the embryo in a temporary recipient animal.

A further object of the present invention is the reconstructed animal embryo and animal, resulting from the processes described above. Such an animal can be transgenic or not, and in particular
15 can be a laboratory animal or an ungulate, as described above.

DETAILED DESCRIPTION OF THE INVENTION

The process of the present invention involves the transfer into a suitable recipient cell of a diploid nucleus from a donor cell after being denatured by an appropriate combination of
20 temperature, pH, ionic strength and other chromatin-destabilising agents. In particular the denaturation has been carried out by heating the cell in Hepes buffered medium at 55°C or 75°C. The relevant treatment is exemplified in the Example 1.

Preferably a granulosa cell is used to this purpose, even if
25 the process of the present invention is not restricted to granulosa cells only; all cells from an adult animal, including also embryonic and fetal cells, may be used given the fact that they are normal diploid G1 or G0 cells.

Cells may be or may be not cultured prior to nuclear transfer.
30 However, culture is necessary when this invention is used for the generation of transgenic animals. In fact, the application of the molecular biology technologies for genetic modification of a cell population requires the culture of the cells either for the transformation and for screening and selection of the successfully
35 modified cell clones.

After the treatment exemplified in Example 1 below, the nuclei are therefore transferred into enucleated metaphase II oocyte. The

0950557 43040

oocyte is enucleated by micromanipulation after the localisation under UV light of the chromosomes; however, the present method is not restricted to the above procedure but also alternative solutions like non-invasive approaches like UV irradiation for enucleation will be also considered.

The recipient oocytes may be produced by superovulation of donor ewes or more conveniently *in vitro* from ovaries collected at the abattoir according to the protocol given in the following Example 2 *in vitro* maturation of sheep oocytes. *In vitro* maturation of oocytes collected by individual females of high genetic merit or transgenic will be necessary in the case the invention is applied to the multiplication of the oocyte donors themselves, or alternatively, when a particular cytoplasmatic background is required.

Since the method herein proposed involves the denaturation of the cells by heating or other suitable denaturing agents, electro-mediated cell fusion cannot be used for nuclear transfer, therefore the injection of the treated nuclei will be the preferred method.

The injected cytoplasts is activated with one of these methods: one or more electrical pulses, ionomycin-6DMAP association (Loi et al., Biol Reprod 1998, 58: 1177-1187), or ionomycin plus cycloheximide (Presicce and Yang, Mol Reprod Dev 1994, 37: 61-68). Following activation, the reconstructed embryos can be embedded in agar (Willadsen S., Nature 1979, 277: 298-300) and cultured *in vivo* into ligated oviduct of temporary recipient ewes according to the method previously published (Loi et al., Theriogenology 1997, 48: 1-10) or more conveniently cultured *in vitro* according to the method described in Example 2. Culture *in vitro* will be also preferred in the case the cloned embryos must be used themselves as nuclei donors for a serial nuclear transfer in order to further amplify the number of valuable cloned animals. After a suitable period of culture *in vitro*, usually 6-9 days, the embryos which develop to blastocyst stage are transferred into recipient ewes for development to term. Cloned animals generated with the present method may be breed and used for creating a flock of animals with the predicted characteristics.

The process of the present invention for the reconstruction of

an animal embryo in its preferred embodiments comprises eventually the following steps:

1) selection of a suitable donor cell which can be directly taken from the desired animal or from cultured cell lines in the case a genetically modified cell is used for the production of a transgenic animal

2) heat treatment of the cells to be used as nuclear donor

3) embryo reconstruction by injection of heat-treated cells

4) culture *in vitro* or *in vivo* of the reconstructed embryo

5) transfer of the blastocysts into final recipients.

Thermal destabilised nuclei developed in higher proportion to blastocysts in comparison to control embryos reconstructed with fresh, untreated cells (see Table 1 with the results of Example 2).

In the accompanying Example 1, the cells are heated in Hepes buffered Synthetic Oviductal Fluid (SOF) but whatever medium, whose ionic strength and pH have optimised for chromosome destabilisation, may be preferred. Two temperatures have been selected in the present application, 55°C and 75°C, but intermediate or higher temperatures may exert a better effect onto genomic reprogramming.

In case of the generation of a transgenic embryo after the operation 1) and before the operation 2) the two following additional operations shall be carried out:

1a) genetic modification of the cultured cells with the more suitable DNA recombinant technology; this may include: gene knock-out, deletion, addition, duplication and other gene modifications;

1b) screening and selection of successfully modified cells.

So far a general description has been given of the present invention. With the aid of the following examples, a more detailed description of specific embodiments will now be given, in order to give a better understanding of the objects, characteristics, advantages and operating methods of the invention. Such examples serve merely to illustrate and do not limit the scope of the present invention, which is defined in the annexed claims.

EXAMPLES

Example 1. Heat-denaturation of the donor cell

Pooled granulosa cells from Cumulus Oocyte Complexes (COCs)

have been used throughout the examples although other kind of cells may be used. COCs were incubated in hyaluronidase (300 UI/ml) for few seconds then dissociated into a single cell population by vigorous pipetting. Cells were washed twice in Hepes SOF and heated in Hepes SOF at either 55°C and 75 °C in a water bath for 15 minutes. After the treatment, the cells are centrifuged, re-suspended in manipulation medium (Hepes buffered TCM 199 + 4 mg/ml BSA) and used for nuclear transfer within one-two hours.

Freeze-drying of granulosa cells

An aliquot of granulosa cells taken from *in vitro* matured oocytes was centrifuged and the resulting pellet re-suspended with 100 µl of Hepes TCM 199 plus 7% DMSO (Dimethylsulphoxide), loaded into 2 ml glass ampoules and directly plunged in liquid nitrogen (-196 °C). Frozen cells were placed in a pre-cooled aluminium block and freeze-dried in a lyophilizer (Edwards). Freeze-dried cells were kept in the dark at room temperature until use.

Before the use for nuclear transfer the freeze-dried cells were re-hydrated with 100 µl of Milli-Q water and heat treated as described in Example 1.

Example 2. Embryo reconstruction by nuclear transfer

Oocyte *in vitro* maturation

Ovaries were collected immediately after slaughter and transported to the laboratory in saline at approximately 35°C within 1-2 hours. Oocytes were obtained by dissection of ovaries in TCM-199 enriched with 5% calf serum, 0.05 mg/ml heparin, 0.05 mg/ml gentamicin sulphate.

Follicular oocytes were evaluated under the stereomicroscope and only these covered by at least 2 layers of granulosa cells and with evenly granulated cytoplasm were selected for IVM. The medium used for maturation was bicarbonate-buffered TCM-199 with the osmolarity adjusted to 275 mOsm/Kg and glutamine present at the concentration of 2 mM. Maturation medium was enriched with 10% fetal bovine serum, 5 µg/ml FSH (Ovagen, ICP, New Zealand) 5 µg/ml LH, 1 µg/ml estradiol, 0.3 mM sodium piruvate and 100 µM cysteamine. Oocytes were incubated in 0.4 ml of medium in 4-well dishes (Nunc, Nunclon, Denmark) covered with mineral oil. IVM conditions were 5% CO₂ in a humidified air at 39°C for 24 hours.

Embryo reconstruction

Metaphase II oocytes were stripped off from the cumulus cells and incubated for 15 minutes in the presence of 5 µg/ml Hoechst 33342. Enucleation was accomplished in manipulating medium (Hepes TCM 199 + 4 mg/ml BSA) supplemented with 7.5 µg/ml Cytochalasin B. The oocytes were immobilised with a holding pipette and exposed for 2-3 seconds to UV light for the localisation of the chromosomes. A portion of cytoplasm with the metaphase spindle was then aspirated into the enucleation pipette. Enucleated oocytes were put back in culture for 30 minutes in order to wash off the Cytochalasin B.

The same medium was used for nuclear transfer. Fresh cells were picked up and down with a injection pipette (4 µs) until the membrane was completely destroyed, then the nucleus injected into the oocyte. Heat-treated cells were injected with a broader pipette (10 µs) with the same procedure.

Oocyte activation

Immediately after injection, the reconstructed embryos were activated with 5 minutes treatment of 5 µM ionomycin followed by 5 hours incubation at 38.5 °C in SOF supplemented with 10 µM cycloeximide. After 5 hours, the reconstructed embryos were cultured *in vitro* for 7-9 days.

In Vitro Culture

The reconstructed embryos were allocated to 20 µl culture drops consisting of SOF supplemented with 2% (v/v) BME-essential amino acids, 1% (v/v) MEM-nonessential amino acids, 1 mM glutamine and 8 mg/ml BSA-fatty acid free. At 3rd and 5th day of culture (day 0- the day of nuclear transfer) 5% charcoal stripped FBS was added to the medium. Culture was continued until 9 days, then reconstructed embryos that developed to blastocyst stage were transferred to synchronised recipients.

Results of Example 1

The heat treatment killed all the cells and induced an evident denaturation in all the cell compartments including the cytoplasmatic membrane which was completely removed.

Heated freeze-dried cells displayed the same features than the fresh ones.

The results of Example 2 are summarised in table 1.

09980557 120404

Table 1

Development to blastocyst stage of fresh and heat-treated granulosa cells transplanted into enucleated metaphase II oocytes.

5

treatment	n injected	cultured	blastocysts (%) of embryo cultured
fresh	230	127	8 (6%)
55 °C	301	229	29 (12.6%)
75 °C	215	120	33 (27.1%)

In average, 60% of cultured embryos in fresh group and more than 70% in both 55 and 75°C groups developed to morula stage (range: 2-25 cells); however, only blastocysts stage embryos were considered.

10

Blastocysts from all groups (total n. 50) were transferred into recipient ewes for development to term, the results are summarised in Table 2.

15

Table 2

20

recipient	group (°C)	n blastocyst	pregnancies detected by ultrasound scanning			
			day 40	day 60	day 80	offspring
8013	55	3+1 morula	+	+	-	
3961	55	3	+	-	-	
5836	55	2	-	-	-	
2239	55	3	+	+	+	
2554	55	2	+	-	-	
2582	55	2	-	-	-	
6509	55	2	+	+	-	

2640	55	2+ 1 morula	+	+	+	+
5734	55	3	+	-	-	
9007	55	3	+	+	-	
pregnancy rate			80%	30%	20%	
5651	fresh	1	-	-	-	
6801	fresh	2	+	+	-	
2727	fresh	2	+	-	-	
4893	fresh	3	-	-	-	
pregnancy rate			50%	-		
8147	75	4+2 morule	+			
clone	75	3	+			
pregnancy rate			100%			

05930557 120401

Three recipients are not examined yet so the proportion of pregnant animals is likely to change.

Table 3

5 Development of embryos reconstructed with denaturated, freeze-dried granulosa cells

group	n. injected	n. cultured	embryos (morula stage)
freeze dried 75°	72	47	28 (59.5%)*

10 *no embryo developed to blastocyst in these preliminary trial probably because the quality of the oocytes used as a recipient cytoplasm was very poor. However, it is not excluded that freeze-dried cell can be successful reprogrammed by the method proposed in the present invention.

05980557 " 120401

- 1 -

ART 34 AMDT

CLAIMS

1. A process for reconstructing an animal embryo of a non-human mammalian species comprising the step of transferring into a recipient cell a diploid nucleus from a donor cell or the donor cell including said nucleus, said donor cell being a G1 or G0 cell from a non-human mammalian species and said recipient cell being an enucleated metaphase II oocyte of a non-human mammalian species, wherein the chromatin within said nucleus is subjected to denaturing conditions before the transferring into the recipient cell, said recipient cell being further cultured in vitro or in vivo.
2. The process according to claim 1 wherein denaturing conditions are heat-treatment, or any combination of temperature, pH, ionic strength and other chromatin denaturing agent.
3. The process according to claim 2, wherein said heat-treating is carried out at melting temperature of the transcriptional regulatory proteins.
4. The process according to claim 2, wherein said heat-treating is carried out in a range from 45°C to 95 °C.
5. The process according to claim 2, wherein said heat-treating is carried out at 55° C.
6. The process according to claim 2, wherein said heat-treating is carried out at 75°C.
7. The process according to claim 1 to 6, wherein said chromatin is organised in chromosomes.
8. The process according to claim 1 to 7, wherein the donor cell is collected from a single individual.

- 2 -

ART 34 AMDT

9. The process according to anyone of claims 1 to 8, wherein said donor cell is selected from the group consisting of embryonic cell, foetal cell, somatic cell.
- 5 10. The process according to anyone of claims 1 to 9, wherein said donor cell is a cultured cell.
11. The process according to anyone of claims 1 to 10, wherein said donor cell is a granulosa cell.
12. The process according to anyone of claims 1 to 11,
10 wherein said donor cells is a dead cell.
13. The process according to anyone of claims 1 to 12, wherein said chromatin is subjected to at least one genetical modification.
14. The process according to claim 13, wherein said
15 genetical modification includes the insertion of at least one etherologous DNA sequence.
15. The process according to claim 13, wherein said genetical modification includes the deletion of at least one homologous gene.
- 20 16. The process according to claim 13, wherein said genetical modification includes the modification of at least one homologous gene.
17. The process according to claim 13, wherein said genetical modification includes the duplication of at
25 least one homologous gene.
18. The process according to anyone of claims 1 to 17, wherein said donor cell is in G1 or G0 phase.
19. The process according to anyone of claims 1 to 18, wherein said donor cell is a cell in M phase.
- 30 20. The process according to anyone of claims 1 to 19, wherein said denaturing treatment is carried out on the nucleo-protein assembly.

ART 34 AMDT

- 3 -

21. The process according to anyone of claims 1 to 20,
wherein said denaturing treatment is carried out on
the nucleus inside the donor cells.
22. The process according to anyone of claims 1 to 21,
wherein said denaturing treatment is carried out on
the nucleus outside the donor cell.
23. The process according to claim 1 to 22 wherein said
oocyte is matured *in vitro*.
24. The process according to anyone of claims 1 to 23,
wherein the nuclear transfer is carried out by
injection.
25. The process according to claim 1 to 24, wherein said
animal embryo belongs to a species selected from the
group consisting of mouse, rat, rabbit, guinea pig
and fur species.
26. The process according to claim 1 to 24, wherein said
non-human mammalian species is an ungulate species.
27. The process according to claim 26, wherein said
ungulate species is selected from the group
consisting of cattle, sheep, goat, pig, water buffalo
and horse.
28. A process for generating an animal, comprising the
following operations: a.culturing an animal embryo
reconstructed according to anyone of claims 1 to 27
to obtain blastocysts; b.transferring the blastocysts
into a suitable recipient animal; c.causing said
animal embryo to develop to term and further breeding
the resulting animal.
29. The process according to claim 28, wherein said
embryo is subcloned for obtaining more than one
animal developing to term.

- 4 -

30. The process according to anyone of claims 28 and 29, wherein the embryo of the operation a. is a genetically modified embryo resulting from the process according to anyone of claims 13 to 17.
- 5 31. The process according to anyone of claims 28 to 30, wherein the embryo of the operation a. is genetically modified prior to the development to term.
32. The process according to anyone of claims 28 to 31 wherein the operation a. is carried out *in vitro*.
- 10 33. The process according to anyone of claims 28 to 31, wherein the operation a. is carried out *in vivo*.
34. A reconstructed animal embryo, resulting from the process according to anyone of claims 1 to 27.
35. An animal resulting from the process according to anyone of claims from 28 to 33.
- 15 36. A transgenic animal resulting from the process according to claims 30 or 31
37. A transgenic animal according to claim 36, wherein said animal is selected from the group comprising laboratory animals as claimed in claim 25 and ungulates as claimed in claim 27.
- 20

25

Combined Declaration for Patent Application and Power of Attorney

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and that I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

PROCESS FOR RECONSTRUCTING A NON-HUMAN ANIMAL EMBRYO BY NUCLEAR TRANSFER AND ...

the specification of which (check one)

- [] is attached hereto;
 [] was filed in the United States under 35 U.S.C. §111 on _____, as
 U.S. Appln. No. _____*; or
 [X] was/will be filed in the U.S. under 35 U.S.C. §371 by entry into the U.S. national stage of an international
 (PCT) application, PCT/IT99/00160 filed June 4, 1999, entry requested on _____*;
 national stage application received U.S. Appln. No. _____*; §371/§102(c) date _____*
 (* If known)

and was amended on _____ (if applicable).

(include dates of amendments under PCT Art. 19 and 34 if PCT)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; and I acknowledge the duty to disclose to the Patent and Trademark Office (PTO) all information known by me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119 (a)-(d) and 365 (b) of any prior foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or under §365(a) of any PCT application which designated at least one country other than the U.S., listed below:

Application No.	Country	Filing Date (MM/DD/YYYY)
_____	_____	_____

If I claimed foreign priority above, I hereby identify below any foreign application for patent (including an international (PCT) application designating a country other than the United States) or for an inventor's or plant breeder's certificate, having a filing date before that of the earliest application from which foreign priority is claimed (if left blank, then there are none):

Non-Priority Application No.	Country	Filing Date (MM/DD/YYYY)
_____	_____	_____

I hereby claim the benefit under 35 U.S.C. §119(c) of any United States provisional applications listed below:

Application No.	Filing Date (MM/DD/YYYY)
_____	_____

I hereby claim the benefit under 35 U.S.C. §120 of any prior U.S. non-provisional application(s) or under §365(c) of any prior PCT international application(s) designating the U.S., listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such U.S. or PCT international application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the PTO all information which is material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Filing Date (MM/DD/YYYY)	Status (patented, pending, abandoned)
_____	_____	_____

As a named inventor, I hereby appoint the following registered practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

All of the practitioners associated with Customer Number 001444

Direct all correspondence to the address associated with Customer Number 001444, which is presently:

BROWDY AND NEIMARK, P.L.L.C.
 624 Ninth Street, N.W.
 Washington, D.C. 20001-5303
 (202) 628-5197

"000000" 2508660

Title: PROCESS FOR RECONSTRUCTING A NON-HUMAN ANIMAL EMBRYO BY NUCLEAR TRANSFER.U.S. Application filed _____, Serial No. _____
PCT Application filed June 4, 1999, Serial No. PCT/IT99/00160

The undersigned hereby authorizes the U.S. Attorneys or Agents appointed herein to accept and follow instructions from _____ as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. Attorneys or Agents and the undersigned. In the event of a change of the persons from whom instructions may be taken, the U.S. Attorneys or Agents appointed herein will be so notified by the undersigned.

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF FIRST INVENTOR <u>LOI Pasqualino</u>		INVENTOR'S SIGNATURE <u>[Signature]</u>	DATE Nov. 21, 2001
RESIDENCE <u>07100 SASSARI - Italy IT</u>		CITIZENSHIP Italian	
POST OFFICE ADDRESS <u>Strada Statale SS-Fertilia 07100 SASSARI - Italy</u>			
FULL NAME OF SECOND JOINT INVENTOR <u>CAPPAL Pietro</u>		INVENTOR'S SIGNATURE <u>[Signature]</u>	DATE Nov. 21, 2001
RESIDENCE <u>07100 SASSARI - Italy IT</u>		CITIZENSHIP Italian	
POST OFFICE ADDRESS <u>29, Via Bellini - 07100 SASSARI - Italy</u>			
FULL NAME OF THIRD JOINT INVENTOR		INVENTOR'S SIGNATURE	DATE
RESIDENCE		CITIZENSHIP	
POST OFFICE ADDRESS			
FULL NAME OF FOURTH JOINT INVENTOR		INVENTOR'S SIGNATURE	DATE
RESIDENCE		CITIZENSHIP	
POST OFFICE ADDRESS			
FULL NAME OF FIFTH JOINT INVENTOR		INVENTOR'S SIGNATURE	DATE
RESIDENCE		CITIZENSHIP	
POST OFFICE ADDRESS			
FULL NAME OF SIXTH JOINT INVENTOR		INVENTOR'S SIGNATURE	DATE
RESIDENCE		CITIZENSHIP	
POST OFFICE ADDRESS			